

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

2006 JUN -8 A 9:43

LERRA B. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.Courtney Boyd #208921Full name and prison number
of plaintiff(s)

v.

Dr. DarbouzeMs. Wilson HSAPrison Health Care ServiceCIVIL ACTION NO. 2:06CV511-W
(To be supplied by Clerk of
U.S. District Court)Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

* I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES (☒) NO (☐)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES (☐) NO (☐)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) Courtney Boyd #208921Defendant(s) Donal Campbell, Commissioner,
Ala. Dept. Of. Corr. Fac. et al

2. Court (if federal court, name the district; if state court, name the county) Northern District
Of Alabama

3. Docket number CV-03-1780-CLS-TMP
4. Name of judge to whom case was assigned T. M. Chas. Putnam - C. Lynwood Smith Jr.
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) It is still pending
6. Approximate date of filing lawsuit 7-02-03
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Easterling Corr. Fac.

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Easterling Corr. Fac.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. Dr. Darboux 200 Wallace Dr. Cl. O, AL 36017
2. Ms. Wilson HSA, 200 Wallace Dr. Cl. O, AL 36017
3. Prison Health Care Service Suite 200, 105 West Park Dr. Brentwood, TN 37027
4. _____
5. _____
6. _____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED June 2, 2006

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Plaintiff was retaliating against the plaintiffs, and denied him proper medical treatment. See Attached Affidavit. This

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

IS a violation of my 8th Amend and 14th Amend of United States
Constitution.

GROUND TWO: _____

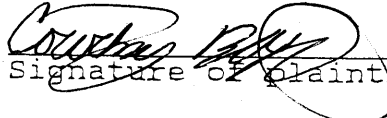
SUPPORTING FACTS: _____

GROUND THREE: _____

SUPPORTING FACTS: _____

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

I request for an Evidentiary hearing, so that you will be able to see that I
can not able to stand all the way up, because of my back pain. Also I be award
the Compensation I request for, in my Affidavit. And to be sent to a back Spec-
ial list.



Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 6-06-06
(Date)



Signature of plaintiff(s)

AFFIDAVIT AND ATTESTATION

My Name is Courtney Boyd, and I am over the age of 21 as of the commencement of this filling. At all time relevent hereto I and witnesses who attest to the fact are and were nurse staff of Prison Health Care Service at Easterling Corr.Fac. at 200 Wallace Dr. Clio, Ala. 36017. At all time relevant hereto the Prison Health Care Service and the employee were under thier direct and immediate control. The employee invovled in this incident are as follows: Dr. Darboux, Ms. Wilson HSA, Jane Doe.

On the June 2, 2006, I was set to see Dr. Darboux, for my no long standing profile, because of my back problem, I could not walk from 6B to the Chow Hall without my legs hurting. Well I seen by Dr. Darboux, and he inform me that he was not going to give me any "No Long Standing Profile", becuae my back problem happen three year ago, and it should have stop hurting by now. Dr. Darboux, than said that I am going to take away the other profile that I have given you. I then asked him, if he want them now, he said "yes", so I gave him my profile, and my back brace, becuae I can not have my back brace without the profile. See Exhibit A, Which is a copy of the profile he took. I then told Dr. Darboux, that I need my back brace, becuae it happen my back out. However he told he that He was not going to give it back to me. So I was told to leave the Health Care. At was about 9:50, when I leave the HCU, and before I could made it to the Shift office my back went

out, and I fell to the ground, and Lt. Mary Lee, had to get my a stretcher, because I could not stand up. When I made it to the HCU, the nurse asked me what happen and I told her that my lower back went out. She then did a body chart, and gave me some medicine, for pain. She also told me that she asked Dr. Darbouze, if I could have my back brace back, and she said that he told her no. I was then placed into a Wheel Chair, were I was force to set in for the next two hour. After I seen that Dr. Darbouze, or the nurse working was not going to gave me my back brace back, I had to force myself up and walk to my dorm. I have worte Ms. Wilson, because Dr. Darbouze, not full giving an examining, and Ms. Wilson said that she can not make the Doctor do any.

Dr. Darbouze, and Ms. Wilson are retaliating,

against me for filing a complaint to the head officer, against him and Ms. Wilson HSA, and Nurse Brush. See Exhibit B. Dr. Darbouze and Ms. Wilson HSA, are inflicting curl and unsual punishment upon me, by not gave me an full medical exmination of my back, and by not sending me to a free world back specialist, about my back. The Northern District Court of Alabama Case No: CV-03-1780-CLS-TMP, denied my Motion for an free world doctor, because Judge Patnum, said that if I desires medical care for my back pain, I may submit a request for medical attention through the prison health care service. See Exhibit C. Well I comply with the court order, but Dr. Darbouze still will not send me to an free world back specialist.

Dr. Darbouze will not even touch my back to see what is wrong with, all he does is keep ordering x-ray, and then tell me there nothing I can do for you, because this happen three years ago and it should be alright now. However Dr. Darbouze can not determine that if he does not even touch, my back, or just my keep ordering x-ray.

I have fill out over four sick call, telling them that my back pain problems are causing my feets, legs, arms, hand, and my pennis, to go out form 2 to 5 min at a time. See Exhibit D, which is a copy of one of the four sick call.

I request for that I be given an copy of my medical jack, and a copy of every complaint I filed. Also a full copy of every nurse that work at prison health care service at Eaterling Corr.Fac. I request to be sent to an free world back speciallist to see what is causing my body parts to go out on me. I request for immediately help becuae my life is in deep danger. I also request for an evidentary hearing on this matter, so that this honoralbe court will see that I can not even stand up without pain going through my back.

DAMAGES

I ask that I be awarded \$250,000.00 from Dr.Darbouze, and Ms.Wilson and \$100,000.00 for Bodily Injury, \$100,000.00 for Accidental Injury, \$100,000.00 for Punitive Damages, 100,000.00 and 100,000.00 for Actual Damages, and 100,000.00 for Compensatory Damages, and 200,000.00 for each defendant for Emotional Damages and 200,000.00 for Stress Damages.

This is a civil right action filed by Courtney Boyd, a state prison, who is requesting damages and physical examination relief under 42 U.S.C. 1983, alleging retaliating and denied of proper medical care treatment. This is an violation of the Eight Amendment, "Curl and Unsual Punishment" and a violation of my right to Due Process Clause of the 14th Amendment of United States Constitution. The Plaintiff also allege the torts of negligence.

JURISDICTION

1. This Court has jurisdiction over the plainiff claim of the violation of his United States Constitutional Rights under 42 U.S.C. 1331(a) and 1334.
2. The Court has supplemental jurisdiction over the plaintiff state torts claims under 28 U.S.C. 1367.
3. The Plaintiff was as Easterling Corr.Fac. during the events described in his complaint.
4. Defendants Dr.Darbouze and Ms.Wilson HSA, are employee at Prison Health Care Service at Easterling Corr.Fac. They are sued in their individal and official capacittiles.
5. Prison Health Care Service, is in charge of Dr.Darbouze and Ms.Wilson HSA. They are sued in their individual and official capacities.

CLAIM FOR RELIEF

(1) The action of the defendants was negligence and it was retaliating against the plaintiff for filed and complaint to the head office against them. Their action was without need and were

done maliciously and sadistically to cause harm to the plaintiff.

This constitute cruel and unusual punishment a violation of the Eight Amendment.

CONCLUSION

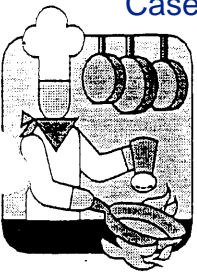
The conclusion is that the defendants took the plaintiff profiles and back brace, because they know that he and an sued against The Department of Correction for first hurting his back. So when Dr.Darbouze asked for the plaintiff profiles, he know that the plainitff has to give him his back brace as well, because the plaintiff can not keep it unless he has an profile for it. Ms Wilson HSA, want make Dr.Darbouze, because she says that she can't tell the Doctor what to do. However both of them know that I can not walk or stand up for over 5 to 10 min without my back brace. Dr.Darbouze or Ms.Wilson HSA, want order for an free world appoinment with an back specialist, to fine out why the plaintiff back is causing his arms, hands, feets, legs, and pennis to go out from 2 to 5 min at a time. Therefore the plaintiff need this Honorable Court to issue an order and for Defendants to send the plaintiff to an free world back secialist.

The Plaintiff request that this complaint be reviewed with less standard then an law.

I do hereby under the penalty of prejury that the foregoing is true and correct to the best of my understand.


Courtney Boyd

Executed on 6-06-06



EASTERLING INMATE NEWSLETTER



6/1/06

Exhibit A

The following inmates are scheduled for FASTING Lab work on June 2, 2006 at 3:30 am in HCU:

Do not eat after 6:00 pm today and drink plenty of WATER.

Price, Clarence 170384/10B66	Lindsay, Roger 237981/7B14	Hawkins, Earlie 196018/6B74
Sprayberry, Cebron 229978/9A54	Potts, Curtis 150808/6A36	Roberts, Thomas 238065/9A42
McCoy, Earnest 075251/6B56	Myers, Brian 239926/8B20	Steele, Jerry 117564/7A88

The following inmates are scheduled to see Dr. Darbouze on June 2, 2006 at 8:30 a.m. in HCU.

Moore, Richard 164474/SEG	Tyson, Willie 168594/SEG	Smith, Steven 217563/SEG
Mims, Charles 161884/SEG	Strong, John 124754/6A76	Spinks, Marcus 209576/SEG
Mixon, Bernard 219783/SEG	Springer, James 230477/8A92	Upton, James 223847/8B58
Boyd, Courtney 208921/6B28		

The following inmates are scheduled to see Dr. Darbouze on June 2, 2006 at 11:30 a.m. in HCU.

Riebe, Richard 194464/7B10	Lashore, Jimmy 177528/6B104	Jackson, Horace 182363/7A113
Broaden, Freddie 185279/10B13	Collins, James 241163/10B9	Bryant, Alfonzo 215916/7B34
Mitchell, Danny 137084/9A2	Oliver, Thomas 138119/10B83	Taylor, Joseph 211388/7A48
Harris, Lawrence 152591/7B55	Anderson, Curtis 141751/10B37	

The following inmates are scheduled for Lab work on June 2, 2006 at 7:00 am in HCU.

Bonner, Phillip 244835/7B4	Bryant, Murl 249053/7A70	Wheat, Charles 245074/10A81
Jones, Jeff 219323/SEG	Upton, James 223847/8B58	

The following inmates are scheduled for EKG on June 2, 2006 at 7:30 p.m. in HCU.

Stratman, Roy 195725/6B83	Townsend, Ricky 237740/7B62
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SPECIAL NEEDS COMMUNICATION FORM

Date: 6/1/06

To: 100-200

From: PHS

Inmate Name: 100-200 ID#: 751

The following action is recommended for medical reasons:

1. House in _____
2. Medical Isolation _____
3. Work restrictions _____
4. May have extra _____ until _____
5. Other _____

Comments:

100-200
100-200
100-200
100-200

Date: 6/1/06 MD Signature: [Signature] Time: 1:00

Exhibit A

60418

Inmate Grievance

Return

Courtney Boyd 208921
NAME AIS #

6-A-54 4-12-06
UNIT DATE

PART A--Inmate Grievance

My mother call TN to the head office, because I told her about me trying to go to a free world doctor about my back problem. Also about me not being able to get my Double tray profile I had at B.H. Comfort. Focused about my other profiles. Tell the head office told her to tell me to write it up, because that's what you are there for. So if you can call me over to talk with me, I'll be very thankful to have the problem fix. Also I have sign up two time for the dental, but have not been seen yet.

[Signature]
INMATE SIGNATURE

PART B - RESPONSE

DATE RECEIVED 4-12-06

The doctor is the only person that can write for a free world appointment, if he finds that it is medically necessary. When we talked today, you were requesting your bottom bunk profile to be renewed. Dr. Dalboze wrote it for 14 days only. If you are having problems, you will need to sign up to be seen. I also spoke with Dr. Dalboze & he, nor ASDC will give double tray profile. Pt verbalized understanding.

[Signature]
P.H.S. Department Head Signature

4-13-06
DATE

Exh. 6-B

If you wish to appeal this review you may request a Grievance Appeal form from the Health Services Administrator. Return the completed form to the attention of the; Health Service Administrator. You may place the form in the sick call request box or give it to the segregation sick call nurse on rounds.

H.S.A Selection:		Y	N		Y	N
I	Dissatisfied with Quality of Medical Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VI	Delay in Health Care Provided	<input checked="" type="checkbox"/>
II	Dissatisfied with Quality of Dental Care	<input type="checkbox"/>	<input type="checkbox"/>	VII	Problems with Medication	<input type="checkbox"/>
III	Dissatisfied with Quality of Mental Health Care	<input type="checkbox"/>	<input type="checkbox"/>	VIII	Request to be seen	<input checked="" type="checkbox"/>
IV	Dissatisfied with Response to Non-Medical Request	<input type="checkbox"/>	<input type="checkbox"/>	IX	Request for Off-site Specialty Care	<input checked="" type="checkbox"/>
V	Conduct of Healthcare Staff	<input type="checkbox"/>	<input type="checkbox"/>	X	Other	<input type="checkbox"/>
Committee Review of Data Collection						

Defendants filed a second supplemental special report (doc. 56) on August 18, 2004, and on August 25, 2004, an amendment (doc. 58) thereto. Regardless, defendants have never responded to the court's order to produce photographs taken of plaintiff on the day of the incident.

Plaintiff now files a Motion to Compel (doc. 54) production of the photographs as previously ordered. After careful consideration of plaintiff's motion to compel (doc. 54), defendants are ORDERED to either (1) produce the photographs as previously directed or (2) show cause in writing and under oath within twenty (20) days from the date this order is entered as to why the court should not impose sanctions for defendants' failure to comply.

Motion for An Order from the Court (Doc. 55)

Plaintiff next moves for an Order (doc. 55) to be sent to a free-world doctor because he is still suffering from severe back pain as a result of the unconstitutional assault made the basis of this claim. Plaintiff's motion (doc. 55) is DENIED. Plaintiff has medical assistance available to him at Staton Correctional Facility, and if he desires medical care for his pain, he may submit a request for attention through the prison health care unit.

Motion for Default Judgment (Doc. 59)

Plaintiff also moves the court for a default judgment (doc. 59), which shall be construed as a request for clerk's entry of default pursuant to Rule 55 (a) of the Federal Rules of Civil Procedure.

(Fed.R.Civ.P). Rule 55(a) reads,

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

Exhibit C



**PRISON HEALTH SERVICES, INC.
SICK CALL REQUEST**

Print Name: Courtney Bush Date of Request: 5-28-06
ID # 208920 Date of Birth: 12-11-81 Location: 6-B-28
Nature of problem or request: I need to see the doctor to get my no
long standing problem, and because my arms, legs, feet, pain
is all gone out.

Courtney Bush
Signature

DO NOT WRITE BELOW THIS LINE

Date: / /
Time: AM PM
Allergies:

RECEIVED
Date: <u> </u>
Time: <u> </u>
Receiving Nurse Initials <u> </u>

(S)ubjective:

(O)bjective (V/S): T: P: R: BP: WT:

(A)ssessment:

(P)lan:

Refer to: MD/PA Mental Health Dental Daily Treatment Return to Clinic PRN
CIRCLE ONE

Check One: ROUTINE () EMERGENCY ()

If Emergency was PHS supervisor notified: Yes () No ()

Was MD/PA on call notified: Yes () No ()

Exhibit D
SIGNATURE AND TITLE

WHITE: INMATES MEDICAL FILE

YELLOW: INMATE RETAINS COPY AFTER NURSE INITIALS RECEIPT



Nursing Evaluation Tool:

General Sick Call

Facility: Alabama Department of Corrections

Patient Name: Boyd, CourtneyInmate Number: 208921Date of Birth: 12 11 181 MI
MM DD YYYYDate of Report: 4 123 06
MM DD YYYYTime Seen: 120 AM / PM Circle One

Subjective: Chief Complaint(s): "I need to get my no prolonged standing profile. I also need to see the doctor about my arms, legs, and penis going numb."

Onset: months

Brief History:

(Continue on back if necessary)

wt 175#

Objective: Vital Signs: (As Indicated) T: 98° P: 72 RR: 16 B/P: 118 1 74

☐ Check Here if additional notes on back

Examination Findings:

(Continue on back if necessary)

B/l m A to x3. Resp & ease. Skin warm + dry to touch. Itx lower back pain emow since slp physical assault in 2003. Does not radiate perinmate. C/o numbness of bilateral arms/legs, and penis intermittently x several months. Swelling or discoloration of extremities noted. Equal strength bilateral extremities noted. Pedal pulse present. Lumbar spine X' Ray from 4-21-05 & definite abnormality noted. Repeat L spine X Ray ordered per Dr Darbouze on 4-21-06. Progress note

☐ Check Here if additional notes on back**Assessment: (Referral Status)****Preliminary Determination(s):**☐ Referral NOT REQUIRED☒ Referral REQUIRED due to the following: (Check all that apply)☐ Recurrent Complaint (More than 2 visits for the same complaint)☐ Other: _____

from 4-21-06 by Dr Darbouze states no standing profile not indicated. Inmate requesting to see MD for outside referral.

Comment: You should contact a physician and/or a nursing supervisor if you have any concerns about the status of the patient or are unsure of the appropriate care to be given.

Plan: Check All That Apply:☐ Instructions to return if condition worsens.

☐ Education: The patient demonstrates an understanding of the nature of their medical condition and instructions regarding what they should do as well as appropriate follow-up. ☒ YES ☐ NO (If NO then schedule patient for appropriate follow-up visits)

☐ Other: _____

(Describe)

OTC Medications given ☒ NO ☐ YES (If Yes List): _____Referral: ☐ NO ☒ YES (If Yes, Whom/Where): Dr DarbouzeDate for referral: 4 26 06
MM DD YYYYReferral Type: ☒ Routine ☐ Urgent ☐ Emergent (if emergent who was contacted?): _____

Time _____

x

Wamblers

Nurses Signature

Name: CWamblers, RN

Printed